

REMARKS

This amendment responds to the Office Action mailed December 11, 2003. Claims 1-20 remain pending in the application and claims 3-5, 9, 10 and 18 have been withdrawn from consideration in response to a restriction requirement. Claims 1 and 11 have been cancelled and claims 2, 4, 6, 10 and 12 have been amended herein. Applicants submit that the remaining claims are in complete condition for allowance. The following remarks are respectfully submitted.

Restriction of Claims

In response to Applicants provisional election of Species II (represented by FIG. 4), the Examiner has indicated that claims 3-5, 9, 10 and 18 are withdrawn from further consideration. In Applicants reply to the restriction requirement, filed November 20, 2003, Applicants asserted that claims 1, 2, 6-8 and 11-20 read on the provisionally elected species and that claims 1, 6 and 19 were generic to all of the identified species. However, the Examiner indicated that he interpreted claim 18 to be directed to the species of FIG. 5. Applicants respectfully traverse and assert that claim 18 reads on FIG. 4 (see Application at page 21, lines 16-23). Specifically, claim 18 recites "a tapered interface between the rod and the piston to thereby align the rod relative to the piston, the tapered interface comprising a frustoconical section formed on an outer surface of the rod and having an axis of revolution extending along a direction parallel to a longitudinal axis of the rod . . . wherein the tapered interface provides a fluid tight seal. The description of Figure

4 in the Application states "rod 24 includes an annular shoulder 150 at a juncture with the piston adapter 126 to provide a tapered interface between the rod 24 and the piston 22. An annular seat 152 is provided at the interface on the piston adapter 126. Advantageously, the tapered interface at the juncture between the shoulder 150 and the annular seat 152 aligns the rod 24 relative to the piston adapter 126 and likewise provides a seal that is fluid tight." (See application at page 21, lines 16-23.) Accordingly, Applicants assert that claim 18 should be included in the elected species and respectfully request that claim 18 be allowed, in view of the Telephone Interview dated August 14, 2003, wherein the Examiner indicated that claim 18 was not taught or suggested by the references of record, as noted in the Interview Summary mailed August 21, 2003.

Moreover, Applicants note that claim 19, which was asserted to be generic to all identified species has been allowed. (See Office Action at page 5.) Accordingly, Applicants respectfully request that withdrawn claims 3-5, 9, 10 and 18 be examined on the merits in light of the fact that generic claim 19 has been allowed (see MPEP §809.02(c)).

Claims Rejected under 35 U.S.C. §102

Claims 1, 2, 11 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,207,300 to Engel et al. Claims 1 and 11 have been canceled herein, and claims 2 and 12 have been amended to depend

from allowed claims 19 and 20, respectively. Accordingly, Applicants respectfully assert that the rejections of claims 2 and 12 have been overcome.

Claims Rejected under 35 U.S.C. §103

Claims 6-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Engel et al. in view of U.S. Patent No. 5,725,239 to de Molina. Claim 6 has been amended herein to recite "an air pressure actuated control valve assembly responsive to an air pressure input for adjustment to and to maintain either an open position, a closed position, or at least one position between the open and closed positions." This same language is found in allowed claim 19, and is the language that was suggested by the examiner to overcome rejections based on the references of record, as noted in the Interview Summary mailed August 21, 2003. Accordingly, Applicants assert that amended claim 6 is not taught or suggested by the cited references and respectfully request that the rejection of claim 6 be withdrawn.

Claims 7 and 8 each depend from claim 6, and therefore are in condition for allowance for at least the reasons stated above for claim 6. Accordingly, Applicants respectfully request that the rejections of claims 7 and 8 be withdrawn.

Claim Amendments to Correct Formalities

Claims 4 and 10 have been amended herein to correct typographical errors in those claims. Applicants submit that the amendments to claims 4 and 10 do not introduce new matter.

In view of the foregoing amendments to the claims and remarks given herein, Applicants respectfully believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants are of the opinion that no additional fee is due as a result of this amendment. If any charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

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